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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/696,386

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Sean Slavin

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EXAMINER

BAROT, BHARAT

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

10/696,386

Applicant(s)

SLAVIN ET AL.

Examiner

Bharat N. Barot

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-11,13-17,23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-11,13-17,23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**RESPONSE TO AMENDMENT**

1. Claims 1-2, 4-11, 13-17, 23, and 25 remain for further examination.

**The new grounds of rejection**

2. Applicants' arguments with respect to claims 1-2, 4-11, 13-17, 23, and 25 filed on May 16, 2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

**Claim Rejections - 35 USC § 103(a)**

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1-2, 4-11, 13-17, 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over OPC Overview (Version 1.0) in view of Thomas et al (U.S. Patent Application Publication No. US 2003/0061335).
5. As to claim 1, OPC Overview teaches a method for communicating with a factory automation control system (data server) via a remote computer (client application) (see page 1 OPC Background; and page 2 figure 1-1), the remote computer including an object container (see page 2 figure 1-1; and page 3 The Current Client Application

architecture, OPC Overview disclose a client application including drivers), the method comprising: requesting, via the remote computer, factory automation control system information, the factory automation control system is configured to control an industrial process; receiving, from the factory automation control system, the factory automation control system information at the object container (see pages 2-5; and figures 1-1 and 1-3); and running a software application in the object container so as to enable a user at the remote computer to view the received factory automation control system information (see pages 3-4 and 6-7; and figures 1-2, 1-3, 2-1, -2, and 2-3).

However, OPC Overview does not teach that running an ActiveX control in the object container.

Thomas et al explicitly teach a method for communicating with a factory automation control system (server) via a remote computer (client) (see figures 2-3; and paragraphs 0021-0022), the remote computer including an object container (module) (see figure 2); and also explicitly teach that running an ActiveX control in the object container so as to enable a user at the remote computer to view the received factory automation control system information (see figure 2; and paragraphs 0023-0024).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas et al as stated above with the method of OPC Overview for communicating with a factory automation control system via a remote computer because it would have provided a customizable method of remotely monitoring and controlling the condition or status of a number of devices of the factory automation control system in the network.

6. As to claim 2, Thomas et al teach that generating control instructions with the ActiveX control; and sending the control instructions to the factory automation control system, the control instructions effect changes in the industrial process (see figure 2; and paragraphs 0023-0025).

7. As to claim 4, OPC Overview teaches that the received factory automation control system information includes information selected from the group consisting of alarm information and history information (see pages 2, 5, and 7-8).

8. As to claims 5-6, Thomas et al teach that the requesting includes requesting a web page, the web page being hosted by the factory automation control system; and the software application is a web browser configured to display the factory automation control system information via the web page (figures 3-5 and 8; and paragraphs 0025-0026 and 0034-0037).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas et al as stated above with the method of OPC Overview for communicating with a factory automation control system via a remote computer because it would have provided a customizable method of remotely monitoring and controlling the condition or status of a number of devices by displaying all information through web page.

9. As to claims 7-9, they are also rejected for the same reasons set forth to rejecting claims 1-2 and 4-6 above, since claims 7-9 are merely an apparatus for the method of operation defined in the method claims 1-2 and 4-6.

Additionally, OPC Overview discloses an input/output (I/O) unit, the I/O unit is configured to communicate with a corresponding node in the industrial process and is capable of generating process data (see pages 2, 4, and 8; and figure 2-4); a data handler; an Internet server application program interface configured to receive a request from the remote computer system for the process data and send the request to the data handler, the data handler being configured to retrieve the process data from the I/O unit in response to the request; and the local software application is configured to send the process data to the remote computer system (see pages 2-4 and 9-10; and figures 2-5 and 2-6).

10. As to claims 10-11 and 13-15, they are also rejected for the same reasons set forth to rejecting claims 1-2 and 4-6 above, since claims 10-11 and 13-15 are merely a program product for the method of operation defined in the method claims 1-2 and 4-6.

11. As to claims 16-17, they are also rejected for the same reasons set forth to rejecting claims 1-2 and 4-6 above.

Additionally, Thomas et al teach that modifying an object container so that the object container includes an ActiveX control object; and the object container is a web

browser (figure 2; and paragraphs 0023-0026). Additionally, OPC Overview also discloses that the object container is a web browser (see pages 1 and 11).

12. As to claims 23 and 25, they are also rejected for the same reasons set forth to rejecting claims 16-17 above.

Additionally, OPC Overview teaches that the first computer including a deskbound application configured to monitor a factory automation control system at the industrial facility; and the second (remote) computer including an object container for executing an instance of the deskbound application (see pages 2-4 and 6-9); and Thomas et al also teach that the second (remote) computer including an object container and an ActiveX component for executing an instance of the deskbound application (figure 2; and paragraphs 0023-0024).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Thomas et al as stated above with the method of OPC Overview for communicating with a factory automation control system via a remote computer because it would have provided a customizable method of remotely monitoring and controlling the condition or status of a number of devices of the factory automation control system in the network.

### **Response to Arguments**

13. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

**Contact Information**

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is **(571) 272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number **(571) 273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at **(571) 272-4006**.

  
**BHARAT BAROT**  
**PRIMARY EXAMINER**

Patent Examiner Bharat Barot

Art Unit 2155

July 31, 2006